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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 GNLV, Corp., a Nevada corporation,

Case No.: 2:13-cv-1219-APG-NJK

13 Plaintiff,

14 v.

15 MICHAEL BROOKS, an individual,
16 and THE LUCKY PARADISE
CASINO, an entity doing of unknown
17 origin doing business in North
Carolina,

18 Defendants.

**AMENDED TEMPORARY
RESTRANING ORDER**

20 UPON CONSIDERATION of the Motion filed by Plaintiff GNLV, Corp. ("Plaintiff" or
21 "GNLV"), requesting a temporary restraining order and injunction requiring Defendants Michael
22 Brooks and The Lucky Paradise Casino (collectively "Defendants") to immediately cease and desist
23 all use of Plaintiff's GOLDEN NUGGET and/or similar or derivative trademarks including but not
24 limited to "goldennuggetonlinecasinos", the supporting memorandum of points and authorities, the
25 supporting Declarations, the record in this case, and for other good cause shown:

26 THE COURT HEREBY FINDS THAT:

27 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)
28 and supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.A.C. § 1367(a);

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1 2. The Court has personal jurisdiction over the Defendants in that they committed
 2 tortious acts that they knew or should have known would cause injury to Plaintiff in the State of
 3 Nevada;

4 3. GNLV has made extensive use of the GOLDEN NUGGET Marks on, among other
 5 things, signage, wearing apparel, and sales and promotional materials, and has obtained federal
 6 registration for the GOLDEN NUGGET Marks for various goods and services, including but not
 7 limited to:

- 8 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No. 1,554,155);
- 9 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S.
 10 Reg. No. 1,082,044); and
- 11 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

12 4. GNLV has made extensive use of the GOLDEN NUGGET Marks on, among other
 13 things, signage, wearing apparel, and sales and promotional materials, and is a licensee of several
 14 federal registrations for the GOLDEN NUGGET Marks for various goods and services, including
 15 but not limited to:

- 16 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No. 1,554,155);
- 17 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S.
 18 Reg. No. 1,082,044); and
- 19 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

20 5. Based on its federal trademark registrations and extensive use, GNLV owns the
 21 exclusive right to use the GOLDEN NUGGET Marks in connection with resort hotel, casino and
 22 related services. The extensive advertising and promotion of the "Golden Nugget" resort hotel
 23 casinos have resulted in the GOLDEN NUGGET name and marks being distinctive for resort hotel
 24 casino services;

25 6. Defendants have used GNLV's marks on their signage and on advertising and
 26 promotional materials to market their casino;

27 7. GNLV will suffer irreparable injury if the Court does not require Defendants to cease
 28 and desist their use of GNLV's marks;

1 8. GNLV has demonstrated likelihood of success on the merits of its mark infringement
2 claims against Defendants under the Lanham Act, 15 U.S.C. § 1114, and Nevada law;

3 9. GNLV has demonstrated likelihood of success on the merits of its unfair competition
4 claims against Defendants under the Lanham act, 15 U.S.C. § 1125(a);

5 10. There is no likelihood of harm to the public from the temporary restraining order now
6 being granted.

7 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that: GNLV's Application
8 for Temporary Restraining Order is hereby GRANTED;

9 IT IS FURTHER ORDERED that Defendants will immediately cease and desist any and all
10 use of GNLV's name and trademarks and any and all variants thereof including but not limited to
11 GOLDEN NUGGET and "goldennuggetonlinecasinos".

12 IT IS FURTHER ORDERED that pursuant to 15 U.S.C. § 1126(d)(1)(C), the domain names
13 <www.goldennuggetonlinecasinos.us> <www.goldennuggetonlinecasinos.org>,
14 <www.goldennuggetonlinecasinos.info> <www.goldennuggetonlinecasinos.com>
15 www.goldennuggetonlinecasinos.net shall be immediately locked by the Registrar and/or its
16 successor registrars and transferred to GNLV.

17 IT IS FURTHER ORDERED that Defendants shall file, pursuant to 15 U.S.C. § 1116(a),
18 with this Court and serve upon GNLV within thirty (30) days after entry of this Order, a report in
19 writing under oath setting forth in detail the manner and form in which Defendants have complied
20 with this Court's Order; and

21 IT IS FURTHER ORDERED that GNLV shall post a bond of \$1,000.00 because the
22 evidence indicates that Defendants will suffer minimal, if any, damage by the issuance of this
23 temporary restraining order.

24 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

25 UPON CONSIDERATION of GNLV's Motion, the Memorandum of Points and Authorities,
26 the supporting declarations and exhibits, the papers and pleadings on file in this matter and for good
27 cause shown;

28 1. The Court hereby sets the hearing for Plaintiff's Motion for Preliminary Injunction on

1 July 24, 2013, at 9:30 a.m. in Courtroom 6C at the Lloyd D. George United States Federal
2 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 2. Further, the Court hereby sets the following briefing schedule relating to Plaintiff's
4 Motion:

5 (a) Defendants shall file and serve opposition papers, if any, **no later than 5:00**
6 **p.m. on July 22, 2013**; and

7 (b) Plaintiff shall file and serve its reply brief, if any, **no later than 3:30 p.m. on**
8 **July 23, 2013**.

9 3. In addition, to ensure Defendants receive timely notice of the hearing, given that
10 Defendants must maintain accurate contact information with the domain name registrar, GNLV may,
11 in addition to the requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure,
12 serve the Motion, this Order and all other pleadings filed to date on Defendants by electronic mail
13 transmission.

14 DATED at 4:34 p.m. this 11th day of July, 2013.

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UNITED STATES DISTRICT JUDGE
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20 Respectfully submitted by:

21
22 GREENBERG TRAURIG, LLP

23 /s/ Lorraine M.I. Burrell
24 Lauri S. Thompson (Bar No. 6846)
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